



U.S. Department of Justice

United States Attorney
Southern District of New York

86 Chambers Street
New York, New York 10007

June 20, 2025

By ECF

The Honorable Denise L. Cote
United States District Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: *American Civil Liberties Union Foundation v. United States Immigration and Customs Enforcement, et al.*, No. 24 Civ. 7444 (DLC)

Dear Judge Cote:

This Office represents Defendants United States Immigration and Customs Enforcement (“ICE”), United States Department of Homeland Security (“DHS”), United States Customs and Border Protection (“CBP”), and United States Department of Justice (“DOJ”) in the above-named action. Plaintiff American Civil Liberties Union Foundation brings suit pursuant to the Freedom of Information Act, 5 U.S.C. § 552 (“FOIA”). The parties write jointly, pursuant to the Court’s order of April 18, 2025, ECF No. 44, to provide a status update regarding each agency’s processing of the FOIA requests at issue.

ICE: ICE made its first and final release of responsive, non-exempt records on November 19, 2024. Plaintiff inquired about FOIA exemptions applied to a spreadsheet in ICE’s November 19, 2024, production; ICE reprocessed this spreadsheet and reproduced it to Plaintiff with fewer redactions on February 11, 2025. On March 17, 2025, Plaintiff inquired about FOIA exemptions applied to the reprocessed spreadsheet. ICE responded to this inquiry on March 27, 2025. On May 19, 2025, Plaintiff again inquired about FOIA exemptions applied to the reprocessed spreadsheet and ICE has agreed to reconsider certain withholdings that were made pursuant to Exemption 4. Plaintiff also inquired about contracts that it believed to be responsive to its request based on information from publicly available sources. ICE responded to this inquiry on January 22, 2025, confirming that there are no contracts responsive to Plaintiff’s FOIA request.

DHS: On November 26, 2024, DHS produced 21 responsive, non-exempt pages related to one of Plaintiff’s two FOIA requests. DHS has located no other records responsive to that request. As to the second FOIA request, DHS processed 5,710 potentially responsive pages, reviewed those pages for responsiveness, and determined that 5,589 were non-responsive and 121 were responsive. Two of the responsive pages were duplicates and the remaining 119 pages were produced to Plaintiff on March 28, 2025. DHS is now awaiting any potential challenges from Plaintiff regarding the withholdings.

CBP: CBP completed its search, which yielded approximately 621 potentially responsive pages, prior to February 10, 2025. CBP made its first production of responsive, non-exempt

records on March 10, 2025, and it completed processing and made a final production of responsive, non-exempt records on April 14, 2025.

DOJ, Office of Legal Counsel (“OLC”): OLC completed its search and identified four potentially responsive documents. To streamline OLC’s production, Plaintiff previously agreed that DOJ may produce only a portion of one of the documents, and that Plaintiff will determine after reviewing that portion whether Plaintiff will seek the document in its entirety. OLC transmitted some or all of the remaining documents to three separate entities for consultation. OLC produced three of the four documents on March 21, 2025, and the fourth document on May 16, 2025.

The parties request permission to submit another joint status report on or before July 21, 2025.

We thank the Court for its consideration of this request.

Respectfully,

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